

BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

REGULAR MEETING AGENDA

JULY 18, 2007

7:30 PM COURTHOUSE COUNCIL CHAMBERS

ROLL CALL_____

PRAYER_____

**APPROVAL OF THE MINUTES OF THE
SPECIAL MEETINGS OF JUNE 27, 2007 AND JULY 11, 2007 AND THE
JULY 2, 2007 REGULAR MEETING**_____

**ITEMS NOT ON THE AGENDA –
SUSPENSION OF THE RULES**_____

**PUBLIC COMMENT ON ANY PUBLIC MATTER
NOT ON THE AGENDA**_____

CHIEF EXECUTIVE’S REPORT_____

SECTION I PUBLIC HEARING

FOR THE PURPOSE OF HEARING COMMENTS ON A PETITION TO
CLOSE AND VACATE A PORTION OF MEADOWLARK LANE IN THE SE
¼ OF SECTION 32, T3N, R7W. (Petition No. 07-6 being held in the Public Works
Committee) Proof of publication

SECTION II PUBLIC HEARING

FOR THE PURPOSE OF HEARING COMMENTS ON A PETITION TO
CLOSE AND VACATE A PORTION OF JEFFERSON STREET AND A
PORTION OF THE ALLEY ADJACENT TO BLOCKS 5 AND 12 IN THE
KEMPER ADDITION. (Petition No. 07-7 being held in the Public Works Committee)
Proof of publication

SECTION III

PUBLIC HEARING

FOR THE PURPOSE OF SOLICITING COMMENTS CONCERNING THE
CONTINUATION OF THE .5% LOCAL OPTION VEHICLE TAX.
(Communication No. 07-475 being held in Committee of the Whole) Proof of publication.

SECTION IV

PRESENTATION COMMUNICATION NO. 07-488

Fran Doran and Kitty Brilliant, regarding concern for a water park at Stodden Park.

SECTION V

CONSENT AGENDA

- A. 1. COMMITTEE OF THE WHOLE MEETING REPORT
- 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
- 3. JUDICIARY COMMITTEE MEETING REPORT
- 4. PUBLIC WORKS COMMITTEE MEETING REPORT
- 5. RULES COMMITTEE MEETING REPORT

B. COMMUNICATIONS

- 1. 07-476 Mary M. McMahon, Clerk and Recorder, requesting cancellation of Walkerville Primary Election. **Recommendation: concur and place on file.**
- 2. 07-477 Paul Babb, Chief Executive, requesting authorization to sign Financial Assistance Award Agreement with U. S. Department of Commerce. **Recommendation: concur and place on file.**
- 3. 07-478 Paul Babb, Chief Executive, requesting concurrence in appointment of Scott Haeffner to the Tax Increment Financing Industrial District Board. **Recommendation: concur and place on file.**
- 4. 07-479 Elaine Holm, Central Services Program Director, requesting permission to purchase a new copy machine for the Home Health Program. **Recommendation: concur and place on file.**
- 5. 07-480 Ellen Crain, Archives Director, requesting time on the 7/25/07 agenda to make a presentation about future plans for the Archives. **Recommendation: hold in Committee of the Whole for presentation on the 7/25/07 agenda.**

6. 07-481 Thomas M. Malloy, Reclamation Manager, requesting authorization for Chief Executive to enter into contract with low bidder Jordan Contracting for Excelsior Project.
Recommendation: concur and place on file.
7. 07-482 Jon Sesso, Planning Director, requesting authorization for Chief Executive to sign contract with Water & Environmental Technologies to perform engineering services regarding a Letter of Map Revision to the Flood Insurance Rate Map.
Recommendation: concur and place on file.
8. 07-483 Karen Byrnes, Director Community Development Department, requesting a public hearing 7/25/07 to solicit comment regarding Developer's Packet for E. Copper Street. **Recommendation: hold in Committee of the Whole for public hearing 7/25/07.**
9. 07-484 Jim Smitham, Executive Director, requesting time on 7/25/07 agenda to make an annual report of the BLDC's Economic Development activities from 7/1/06 through 6/30/07.
Recommendation: hold in Committee of the Whole for 7/25/07 agenda.
10. 07-485 Mark LaFond, Copper City Signs, requesting permission to block off Tecumseh Way between Montana Avenue and Washington Street for Cruise Night with Radio Station KMBR on 8/1/07.
Recommendation: hold in Committee of the Whole while going through the process.
11. 07-486 Mykl Meagher, Manager Oakkpark, requesting permission to purchase 3 adjoining lots to 432 S. Jackson Street.
Recommendation: refer to Land Sales Committee and hold in Committee of the Whole.
12. 07-490 Bob Rowling, Parks and Recreation Director, requesting Bob LeCoure's request to use Emma Park to have a free boxing match July 26, 2007. **Recommendation: note and place on file.**
13. 07-491 Jon Sesso, Planning Director, requesting authorization for Chief Executive to sign work agreement with Community Development Services of Montana. **Recommendation: concur and place on file.**
14. 07-492 John Walsh, Sheriff, requesting authorization for Chief Executive to sign contractual documents for copier maintenance.
Recommendation: concur and place on file.

15. 07-493 Rob Macioroski, Director Land Officer, regarding revising the adjacent landowner policy. **Recommendation: refer to Committee of the Whole.**
16. 07-494 Jeff Amerman, Finance and Budget Director, requesting authorization for Chief Executive to execute maintenance agreement with Empire Office Machines. **Recommendation: concur and place on file.**
17. 07-495 Jeff Amerman, Finance and Budget Director, regarding FY 2007 – 2008 Preliminary Budget. **Recommendation: refer to Finance and Budget Committee.**
18. 07-496 Tim Clark, Personnel Director, requesting authorization for Chief Executive to sign contract with International Association of Machinists and Aerospace Workers Local No. 88. **Recommendation: concur and place on file.**
19. 07-497 Brendon R. McDonough, An Ri’Ra’ Executive Committee, requesting permission to close Granite Street from Montana Street to Hamilton Street 8/10/07. **Recommendation: Hold in Committee of the Whole while going through the process.**
20. 07-498 John P. Walsh, Sheriff, requesting authorization for Chief Executive to sign grant award for the Enforcing Underage Drinking Laws Project through the Department of Justice, Montana Board of Crime Control. **Recommendation: concur and place on file.**
21. 07-499 Jon C. Sesso, Planning Director, requesting approval for Chief Executive to renew maintenance contracts with Electronic Data Systems for 2007-2008 and ESRI for 2007 – 2008. **Recommendation: concur and place on file.**
22. 07-500 Lori Casey, Senior Planner, requesting approval of Preliminary Plat of the Home Depot Minor Subdivision. **Recommendation: concur and place on file.**
23. 07-501 Tim Clark, Personnel Director, requesting authorization for Chief Executive to sign contract documents with Local No. 400 Silver Bow Stationary Engineers. **Recommendation: concur and place on file..**
24. 07-502 Cindy Stergar, CEO Butte Community Health Center, requesting authorization for Chief Executive to sign lease agreement for space

at Jacob's House. **Recommendation: authorize Chief Executive to sign agreement and place on file.**

25. 07-503 Cheri Brownell, requesting Council consider setting aside certain areas for the setting off of fireworks. **Recommendation: refer to Judiciary Committee.**
26. 07-504 Dan Dennehy, Health Officer, requesting authorization for Chief Executive to sign ten contracts. **Recommendation: concur and place on file.**
27. 07-505 John C. VanDaveer, requesting permission to supply county sod for Public Housing Authority Park east of Silver Bow Homes. **Recommendation: concur and place on file.**
28. 07-506 Cindy McIlveen, Planning Department, requesting authorization for Chief Executive to sign contract modification for Natural Resource Damage Program, Butte Water Master Plan Grant. **Recommendation: concur and place on file**
29. 07-507 Steve Egeline, District Ranger, requesting time on 7/25/07 agenda to make a presentation on Forest Service Management of Basin Creek Municipal Watershed. **Recommendation: schedule presentation for 7/25/07**

SECTION VI COMMUNICATIONS TO BE READ AND ACTED UPON

1. 07-487 Paul Babb, Chief Executive, requesting concurrence in appointment of Jason Martin as Probationary Entry Level Fire Fighter.
2. 07-489 Wally Frasz, Commissioner District #6, regarding funding request by Envision Butte for Berkeley Pit Viewing Stand Project.
3. 07-508 Rob Macioroski and Rick Larson, requesting council concur with Developers Packet Review Committee's recommendation to deny all proposals for the Kelley Warehouse Property.
4. 07-509 Charlie O'Leary, Chairman Council of Commissioners, requesting council pursue some sizable Federal dollars by enlisting the help of the Russ Reid Company for one year on a trial basis.

SECTION VII

ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

1. COUNCIL BILL NO. 07-12 ORDINANCE NO. 07-12

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 344 AND CHAPTER 2.24 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “LAW ENFORCEMENT COMMISSION”; ADDING A NEW SUBSECTION 2.24.040(H), B-SB MC; PROVIDING FOR ADDITIONAL COMPENSATION FOR THE CHAIRMAN OF THE LAW ENFORCEMENT COMMISSION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 07-57

A RESOLUTION GRANTING CONDITIONAL OF THE PRELIMINARY PLAT OF THE HOME DEPOT MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. 07-58

A RESOLUTION DIRECTING THE BUTTE-SILVER BOW TREASURER TO MAIL NOTICE OF PENDING TAX DEED ISSUANCE TO ALL PERSONS CONSIDERED INTERESTED PARTIES FOR EACH PROPERTY FOR WHICH THERE HAS BEEN ISSUED A TAX CERTIFICATE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 15-18-212, MCA; FURTHER DIRECTING THE TREASURER TO ISSUE TAX DEED FOR THOSE PARCELS OF PROPERTY WHERE THERE HAS BEEN ISSUED A TAX CERTIFICATE AND THE EXPIRATION DATE OF THE REDEMPTION PERIOD HAS EXPIRED AND THE REQUIRED PAYMENTS HAVE NOT BEEN MADE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4. COUNCIL RESOLUTION NO. 07-59

A RESOLUTION DIRECTING THE ELECTION ADMINISTRATOR TO PUT THE QUESTION OF APPROVING A GENERAL OBLIGATION BOND ISSUE NOT TO EXCEED THE AMOUNT OF \$7,500,000.00 FOR THE RENOVATION AND EXPANSION OF THE BUTTE-SILVER BOW PUBLIC ARCHIVES BUILDING ON THE BALLOT FOR VOTER APPROVAL AT A SPECIAL MAIL BALLOT ELECTION TO BE HELD ON WEDNESDAY, NOVEMBER 14, 2007 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VIII

ORDINANCES -- SECOND READING

1. COUNCIL BILL NO. 07-11 ORDINANCE NO. 07-11

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO, 195 AND CHAPTER 15.10 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "FIRE CODE" AND AMENDING SECTIONS 15.10.020, 15.10.030 AND 15.10.060, B-SB MC AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION IX

ORDINANCES AND RESOLUTIONS – FINAL READING

1. COUNCIL BILL NO. 07-10 ORDINANCE NO. 07-10

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 344 AND CHAPTER 2.24 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (S-SB MC) ENTITLED "LAW ENFORCEMENT COMMISSION" AND AMENDING SECTIONS 2.24.010, 2.24.020, 2.24.050, 2.24.060, 2.24.070, 2.24.080; 2.24.090, 2.24.100 AND 2.24.110, B-SB MC; ADDING A NEW SECTION TO BE NUMBERED 2.24.120, B-SB MC AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION X

SUSPENSION OF THE RULES FOR FINAL PASSAGE

1. COUNCIL RESOLUTION NO. 07-56

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF CERTAIN PARCELS OF REAL PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO ADJOINING OWNERS; PROVIDING TRANSFER OF PROPERTY TO THE CITY-COUNTY TO RELOCATE BOUNDARIES FOR DEDICATION OF AN ALLEYWAY BETWEEN QUARTZ AND COPPER STREETS AND FOR DEDICATION OF A PORTION OF COPPER STREET AND PROVIDING FOR AN EFFECTIVE DATE HEREIN:

SECTION XI

CALENDAR OF OTHER MEETINGS AND EVENTS

| | | | |
|---------|-----------------------------|------|-----------------------------------|
| July 25 | Port of Montana | Noon | Hub Center |
| July 25 | Urban Revitalization | 9AM | Chief Executive's Conference Room |
| July 26 | Business Development Center | 10AM | Business Development Center |

| | | | |
|---------|-----------------------------|---------|-----------------------------------|
| July 26 | Planning Board | 7PM | Council Chambers |
| Aug. 1 | Health Department | 7AM | Health Department |
| Aug. 1 | Butte Aids Support Services | 7PM | Community Center |
| Aug. 1 | Community Enrichment | 3:30 PM | 1st Floor Conference Room |
| Aug. 1 | Fire Advisory Council | 5PM | Chief Executive's Conference Room |
| Aug. 2 | Zoning Board of Adjustment | 5:30 PM | Council Chambers |
| Aug. 2 | Civic Center | 5PM | Civic Center Hospitality Room |
| Aug. 2 | TIFID Board | Noon | 304 W. Mercury |

ADJOURN

COMMITTEE OF THE WHOLE MEETING REPORT

JUNE 11, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Committee of the Whole Committee, respectfully recommend as follows:

SECTION I PUBLIC HEARING

FOR THE PURPOSE OF SOLICITING COMMENTS REGARDING DEVELOPER'S PACKET FOR E. COPPER STREET PROPERTY. (Communication No. 07-412 being held in Committee of the Whole) **Proof of publication was noted and placed on file.**

Montana Standard failed to public the legal for this public hearing so it has been re-scheduled for 7/25/07.

SECTION II COMMUNICATION NO. 07-259

Jean Pentecost, Water Utility Division, requesting authorization for Chief Executive to enter into agreement with Richardson Family Trust for a land exchange. ***Committee recommends that Communication No. 07-259 be held in abeyance.***

SECTION III COMMUNICATION NO. 07-374

Dan Dennehy, Health Officer, requesting building inspection be conducted on the Health Department Building at 25 W. Front Street and asking to allocate \$75,000 annual rent to Long-Term Maintenance Program. ***Committee recommends that Communication No. 07-374 be held in abeyance.***

SECTION IV COMMUNICATION NO. 07-393

Robert L. White, President Big Butte Kiwanis, requesting permission to close uptown streets on 8/26/07 for Custom Car Show. ***Committee recommends that Communication No. 07-393 be held in abeyance***

SECTION V**COMMUNICATION NO. 07-409**

Dave Silk, Race Director, requesting street closures and use of Emma Park 8/12/07 from 6AM to Noon for An Ri’Ra’ Run/Walk through Uptown Butte. *Committee recommends that Communication No. 07-409 be held in abeyance.*

SECTION VI**COMMUNICATION NO. 07-412**

Karen Byrnes, Director Community Development Department, requesting public hearing for 7/11/07 regarding Developer’s Packet for property located at first block of East Copper Street. *Committee recommends that Communication No. 07-412 be held in abeyance. Public hearing being scheduled.*

SECTION VII**COMMUNICATION NO. 07-418**

Karen Byrnes, Director Community Development Department, requesting public hearing 7/25/07 to hear public testimony regarding Developer’s Packet for 160 and 622 W. Granite. *Committee recommends that Communication No. 07-418 be held in abeyance.*

SECTION VIII**COMMUNICATION NO. 07-447**

The Lunch in the Park Board, requesting use of Emma Park 6/20/07 through 8/15/07 for Lunch in the Park and also closure of Silver Street between Colorado and Alaska. *Committee recommends that Communication No. 07-447 be held in abeyance.*

SECTION IX**COMMUNICATION NO. 07-457**

Bob LeCoure Club Boxing, Inc., requesting permission to use Emma Park July 29 from 8AM to 10PM for a boxing event. *Committee recommends that Communication No. 07-457 be held in abeyance pending report from Parks and Recreation and Risk Manager.*

SECTION X**COMMUNICATION NO. 07-458**

Karen Byrnes, Director Community Development Department, requesting public hearing be set for 7/25/07 to hear presentations from individuals who submit proposals for property at 300 block of E. Mercury and 300 block of E. Curtis Street. *Committee recommends that Communication No. 07-458 be held in abeyance.*

SECTION XI**COMMUNICATION NO. 07-468**

Tina L. Morin, Morin Law Firm, requesting time on 7/2/07 agenda to make a power presentation about Geothermal Power Development. *Committee recommends that Communication No. 07-468 be placed on file.*

SECTION XII**COMMUNICATION NO. 07-471**

Rob Macioroski, Director Land Records, requesting Council's acceptance of Copper Street and Alley and request the County Attorney to prepare a resolution and deed for transfer. *Committee recommends that Communication No. 07-471 be held pending resolution next week.*

SECTION XIII**COMMUNICATION NO. 07-475**

Jeff Amerman, Director of Finance and Budget Department, requesting Council schedule a public hearing for 7/18/07 concerning the continuation of the .5% Local Option Vehicle Tax. *Committee recommends that Communication No. 07-475 be held in abeyance.*

JUDICIARY COMMITTEE MEETING REPORT

JULY 11, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Judiciary Committee, respectfully recommend as follows:

SECTION I **COMMUNICATION NO. 06-673**

Mark and Shirley Rule, requesting proposal to enter into 5-year lease and one 5-year renewable term of Rose and Shamrock Mining Claim #2829, Lot 599 on Moulton Reservoir Road. ***Committee recommends that Communication No. 06-673 be held in abeyance.***

SECTION II **COMMUNICATION NO. 07-368**

J. R. Richardson, Business Manager Butte Public Schools, requesting council
forgive back taxes on Parcel No. 1901770 in the Butte Townsite. ***Committee
recommends that Communication No. 07-368 be held in abeyance.***

SECTION III **COMMUNICATION NO. 07-464**

Jim Smitham, Executive Director, regarding contract with Butte Local Development Corporation for FY 2007-08. *Committee recommends that Communication No. 07-464 be held in abeyance. Commissioners Coleman and Fay will meet with Jim Smitham of BLDC to review the BSB/BLDC contract.*

SECTION IV

COUNCIL BILL NO. 07-10
ORDINANCE NO. 07-10

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 344 AND CHAPTER 2.24 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (S-SB MC) ENTITLED “LAW ENFORCEMENT COMMISSION” AND AMENDING SECTIONS 2.24.010, 2.24.020, 2.24.050, 2.24.060, 2.24.070, 2.24.080; 2.24.090, 2.24.100 AND 2.24.110, B-SB MC; ADDING A NEW SECTION TO BE NUMBERED 2.24.120, B-SB MC AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 07-10, Ordinance No. 07-10 be placed on final reading and passed*

SECTION V**COUNCIL BILL NO. 07-11
ORDINANCE NO. 07-11**

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 195 AND CHAPTER 15.10 OF THE BUTTE-SILVER A BOW MUNICIPAL CODE (B-SB) MC) ENTITLED "FIRE CODE" AND AMENDING SECTIONS 15.10.20, 15.10.030 AND 15.10.060, B-SB MC AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council bill No. 07-11, Ordinance No. 07-11 be placed on final reading and passed.*

SECTION VI**CLAIM APPROVAL**

| | | | |
|-------|--------------|------------|---------------------|
| 11740 | Jed C. Fitch | \$3,087.34 | Redeem Tax Assg. |
| 11920 | Donna Egan | 216.28 | Refund of Weed Bond |

Committee recommends that the above claims be approved.

PUBLIC WORKS COMMITTEE MEETING REPORT

JULY 11, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Public Works Committee, respectfully request as follows:

SECTION I **COMMUNICATION NO. 06-661**

Jon Sesso, Planning Director, requesting Council prioritize Road Improvement Project – Intersection of Beef Train Road and Little Basin Creek Road.
Committee recommends that Communication No. 06-661 be held in abeyance.

SECTION II **PETITION NO. 07-6**

John Harrington, Building Official, requesting on behalf of Three Dog Holdings, Inc. to close and vacate a portion of Meadowlark Lane in SE ¼ of Section 32, T3N, R7W. ***Committee recommends that Petition No. 07-6 be held in abeyance.***

SECTION III PETITION NO. 07-7

John Harrington, Building Official, requesting on behalf of Joe J. Shoemaker, to close and vacate a portion of alley adjacent to Blocks 5 and 12 in the Kemper Addition. ***Committee recommends that Petition No. 07-7 be held in abeyance.***

SECTION IV

Cindi Shaw, Commissioner District 11, requesting review of traffic concerns on E. Woolman Street. ***Committee recommends that Communication No. 07-165 be held in abeyance.***

SECTION V **COMMUNICATION NO. 07-352**

Kevin Dennehy, Executive Director St. James Hospital, requesting permission to use Chester Steele Park For July 3rd 2007 Events. ***Committee approves the request in Communication No.07-352 and places it on file.***

RULES COMMITTEE MEETING REPORT

JULY 11, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Rules Committee, respectfully recommend as follows:

SECTION I

COMMUNICATION NO. 06-7

Mary M. McMahon, Clerk and Recorder, requesting review of Rules and Order of Business. *Committee recommends that Communication No. 06-7 be placed on file.*